

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Wheeler, Carl J.

Appl. No.: 09/937,604

§ 371 date: September 26, 2001

For: **Adjuvant Compositions and  
Methods for Enhancing Immune  
Responses to Polynucleotide-  
Based Vaccines**

Confirmation No.: 2136

Art Unit: 1621

Examiner: Davis, Brian J.

Atty. Docket: 1530.0310002/EKS/EJH/ALS

**Second Supplemental Information Disclosure Statement**

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Sir:

Listed on accompanying Form PTO-1449 are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98. The numbering on this Second Supplemental Information Disclosure Statement is a continuation of the numbering in Applicants' First Supplemental Information Disclosure Statement filed on November 3, 2003 in connection with the above-captioned application. Copies of documents AD2-AK2, AA3-AH3, AR15 and AS15 are provided herewith.

The Examiner's attention is directed to the following co-pending U.S. Patent Applications, which are directed to related technical subject matter:

U.S. Patent Application No. 09/839,574 to Manthorpe *et al.* filed April 23, 2001, now published as U.S. Patent Publication No. 2002/0019358 A1, and submitted herewith as document **AB3**;

U.S. Patent Application No. 10/202,858 to Felgner *et al.*, filed July 26, 2002, now published as U.S. Patent Publication No. 2003/0032615 A1, and submitted herewith as document **AC3**;

U.S. Patent Application No. 10/360,645 to Wolff *et al.*, filed February 10, 2003, now published as U.S. Patent Publication No. 2003/0186913 A1, and submitted herewith as document **AD3**;

U.S. Patent Application No. 10/127,683 to Hobart *et al.*, filed April 23, 2002, now published as U.S. Patent Publication No. 2003/0203863 A1, and submitted herewith as document **AE3**;

U.S. Patent Application No. 10/725,009 to Geall, filed December 2, 2003, now published as U.S. Patent Publication No. 2004/0157789 A1, and submitted herewith as document **AF3**;

U.S. Patent Application No. 10/725,015 to Geall, filed December 2, 2003, now published as U.S. Patent Publication No. 2004/0162256 A1, and submitted herewith as document **AG3**;

U.S. Patent Application No. 10/748,853 to Wheeler, filed December 30, 2003, now published as U.S. Patent Publication No. 2004/0171572 A1, and submitted herewith as document **AH3**;

U.S. Patent Application No. 10/738,986 to Hermanson *et al.*, filed December 19, 2003, and U.S. Patent Application No. 10/843,656 to Vilalta *et al.*, filed May 12, 2004, are respectively cited herewith as documents **AR15** and **AS15**. Further to the USPTO notification signed on September 21, 2004 entitled "Waiver of the Copy Requirement in 37 CFR 1.98 for Cited Pending U.S. Patent Applications," it is believed that copies of

these documents need not be provided because they were filed after June 30, 2003. The notice can be viewed at <http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/rule98waiverd.pdf>.

The identification of these U.S. Patent Applications is not to be construed as a waiver of secrecy as to these applications now or upon issuance of the present application as a patent. The Examiner is respectfully requested to consider the cited application and the art cited therein during examination.

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicants have listed publication dates on the attached PTO-1449 based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

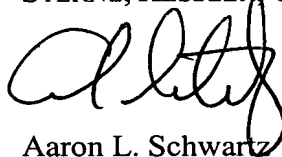
This Information Disclosure Statement is being filed before the mailing of a first Office Action on the merits after the filing of a request for continued examination under 37 C.F.R. § 1.114. No statement or fee is required.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered. This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist.

Consideration of the cited documents and making the same of record in the prosecution of the above-identified application is respectfully requested. The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

A handwritten signature in black ink, appearing to read 'A. Schwartz', is positioned above the printed name.

Aaron L. Schwartz  
Agent for Applicant  
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Date: October 25, 2004  
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320454v1

FORM PTO-1449

ATTY. DOCKET NO.  
1530.0310002/EKS/EJH/ALSAPPLICATION NO.  
09/937,604FIRST NAMED INVENTOR  
Wheeler, Carl J.**SECOND SUPPLEMENTAL INFORMATION DISCLOSURE  
STATEMENT**§ 371 DATE  
September 26, 2001ART UNIT  
1621**U.S. PATENT DOCUMENTS**

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	FILING DATE
	AA						
	AB						
	AC						
	AD2	5,861,397	01/19/1999	Wheeler			
	AE2	5,910,488	06/08/1999	Nabel <i>et al.</i>			
	AF2	5,994,317	11/30/1999	Wheeler			
	AG2	6,022,874	02/08/2000	Wheeler			
	AH2	6,586,409	07/01/2003	Wheeler			
	AI2	6,696,424	02/24/2004	Wheeler			
	AJ2	6,670,332	12/30/2003	Wheeler			
	AK2	6,706,694	03/16/2004	Wolff <i>et al.</i>			

**FOREIGN PATENT DOCUMENTS**

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION
	AL						Yes No
	AM						Yes No
	AN						Yes No
	AO						Yes No
	AP						Yes No

**OTHER (Including Author, Title, Date, Pertinent Pages, etc.)**

	AR	<u>15</u>	Pending Non-Provisional United States Patent Application No. 10/738,986, Hermanson <i>et al.</i> , filed December 19, 2003 (NOT PUBLISHED)
	AS	<u>15</u>	Pending Non-Provisional United States Patent Application No. 10/843,656, Vilalta <i>et al.</i> , filed May 12, 2004 (NOT PUBLISHED)
	AT		

EXAMINER

DATE CONSIDERED

**EXAMINER:** Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.

FORM PTO-1449		ATTY. DOCKET NO. 1530.0310002/EKS/EJH/ALS	APPLICATION NO. 09/937,604
		FIRST NAMED INVENTOR Wheeler, Carl J.	
SECOND SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT		§ 371 DATE September 26, 2001	ART UNIT 1621

## U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	FILING DATE
	AA3	6,228,844 B1	05/08/2001	Wolff <i>et al.</i>			
	AB3	2002/0019358 A1	02/14/2002	Manthorpe <i>et al.</i>			
	AC3	2003/0032615 A1	02/13/2003	Felgner <i>et al.</i>			
	AD3	2003/0186913 A1	10/02/2003	Wolff <i>et al.</i>			
	AE3	2003/0203863 A1	10/30/2003	Hobart <i>et al.</i>			
	AF3	2004/0157789 A1	08/12/2004	Geall <i>et al.</i>			
	AG3	2004/0162256 A1	08/19/2004	Geall <i>et al.</i>			
	AH3	2004/0171572 A1	09/02/2004	Wheeler			
	AI						
	AJ						
	AK						

## FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION
	AL						Yes No
	AM						Yes No
	AN						Yes No
	AO						Yes No
	AP						Yes No

## OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

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